

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF

CASE NUM.: 09-06408 (SEK)

MARIA DE LOS A. GONZALEZ GONZALEZ

CHAPTER 13

DEBTOR

BANCO BILBAO VIZCAYA – ARGENTARIA

INDEX

MOVANT

VS.

**MARIA DE LOS A. GONZALEZ GONZALEZ
CHAPTER 13 TRUSTEE
JOSE RAMON CARRION MORALES**

RESPONDENTS

MOTION REQUESTING ENTRY OF ORDER

TO THE HONORABLE COURT:

This motion is filed on behalf of BANCO BILBAO VIZCAYA PUERTO RICO, represented by Montañez & Alicea Law Offices, and respectfully states and prays:

1. On March 16, 2010 Banco Bilbao Vizcaya Puerto Rico filed a Motion Requesting Relief from the Automatic Stay in the above captioned case for debtors' failure to comply with the terms of the confirmed plan regarding post petition payments to this secured creditor.
2. Debtor has filed a post modification plan to includes all the post petition mortgage loan arrears up to and including October, 2010.

3. Debtor and BBVA reached an agreement and filed Joint Stipulation approved by this Court, with the following terms and conditions:

- The debtor has filed a post confirmation modified plan dated December 20, 2010, docket no. 68, which provides for BBVA'S post petition mortgage loan arrears up to and including October 2010.
- The debtor will maintain current future post petition payments to BBVA, and in the event debtor incurs in two (2) or more consecutive post petition arrears to BBVA, the parties hereby agree that the automatic stay will be deemed lifted in favor of BBVA without the need of an index or hearing.

4. Debtor has failed to comply with post petition payments as per Joint Stipulation the terms of the agreement, therefore, Banco Bilbao Vizcaya Puerto Rico respectfully requests that an order be entered lifting the automatic stay in its favor.

WHEREFORE, it is respectfully requested from this Honorable Court to enter an order lifting the automatic stay in favor of Banco Bilbao Vizcaya Puerto Rico in order


for Banco Bilbao Vizcaya Puerto Rico to continue with the foreclosure proceedings in the state court.

I HEREBY CERTIFY that a true and exact copy of this motion has been served by First Class Mail and pre-paid postage upon debtors **Maria De Los A. Gonzalez Gonzalez**, Urb. Villa Rosales F9, Aibonito, Puerto Rico 00705; debtors' attorney **Roberto Figueroa Carrasquillo, Esq.**, Po Box 193677, San Juan, Puerto Rico 00919-3677; and the Standing Chapter 13 Trustee **Jose Ramon Carrion Morales, Esq.**, Po Box 9023884, San Juan, Puerto Rico 00902-3884.

In San Juan, Puerto Rico, this 21st days of March 2011.

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/s/María S. Jiménez Meléndez
MARIA S. JIMENEZ MELENDEZ
USDC-PR 206307

STATEMENT OF ACCOUNT					
DEBTOR:		MARIA DE LOS A GONZALEZ GONZALEZ		BPPR NUM:	081010016217623
BANKRUPTCY NUM:		09-06408SEK	FILING DATE:		08/03/09
SECURED LIEN ON REAL PROPERTY					
Principal Balance as of 04/01/09					63,251.67
Accrued Interest from 03/01/09 to 03/31/11					8,665.33
Interest:	6.500%	Accrued num. of days:	750	Per Diem:	11.420440
Monthly payment to escrow					
Hazard	\$0.00	Taxes	\$0.00	MIP	\$0.00
A&H	\$0.00	Life	\$0.00		
Total montly escrow		\$0.00	Months in arrears	24	Escrow in arrears
					0.00
					556.90
Advances Under Loan Contract:					
Title Search	\$45.00	Tax Certificate	\$0.00	Inspection	\$0.00
					295.05
Other	\$250.05				
Legal Fees:					3,970.46
Total amount owed as of 03/31/11					76,639.41
AMOUNT IN ARREARS					
PRE-PETITION AMOUNT:					
22	payments of	\$461.00	each one		
					10,142.00
accumulated lated charges					623.19
Advances Under Loan Contract:					
Title Search	\$45.00	Tax Certificate	\$0.00	Inspection	\$0.00
					295.05
Other	\$250.05				
Legal Fees					3,970.46
A = TOTAL PRE-PETITION AMOUNT					14,930.70
POST-PETITION AMOUNT:					
2	payments of	\$461.00	each one		
					922.00
Late Charge					33.71
B = TOTAL POST-PETITION AMOUNT					955.71
A + B = TOTAL AMOUNT IN ARREARS					15,886.41
OTHER INFORMATION					
Next pymt due	04/01/09	Interest rate	6.500%	P & I	\$421.27
Investor	BANCO BILBAO VIZCAYA	Property address	LOT 6 SR 722 KM 1.9 AIBONITO, P. R.		
<p>The subscribing representative of Banco Bilbao Vizcaya declares under penalty of perjury that according to the information gathered by Banco Bilbao Vizcaya the foregoing is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> <p>03/18/11</p> <p>DATE</p> </div> </div>					
BANCO BILBAO VIZCAYA					

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